S.B. Civil Contempt Petition No.19/2005
Suo Moto. vs. Smt. Kamla.

Date : 7.11.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. V Jain, for the respondent/contemner.

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This Court issued notice to the respondent/contemner by order dated 28.1.2005. After service of notice, reply has been filed by the contemner and it appears from the record that nobody put in appearance on behalf of original petitioner on any date despite listing of the case in the Court on several occasions.

It appears from the reply that there are several disputed questions of facts involved in this petition. There are allegations and counter allegations. These factual aspects cannot be gone into in contempt petition looking to the peculiar nature of facts and litigation. Therefore, I do not find any reason to keep this contempt petition pending.

In view of the above, this contempt petition is dismissed and notices are discharged.

However, it is made clear that the petitioner shall be entitled to all reliefs which he is entitled to in the writ petition irrespective of dismissal of the contempt petition.

(PRAKASH TATIA), J.

S.Phophaliya